

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Crim. No. 1:20-CR-0020-05

v.

M & J EXCAVATION, INC.

Judge Jennifer P. Wilson ^{PER}

FILED
HARRISBURG, PA
JUN 22 2022
ll
DEPUTY CLERK

VERDICT FORM

- 1) As to Count 1, we, the jury, unanimously find that from on or about January 23, 2015, through on or about February 18, 2015, M & J Excavation, Inc. knowingly violated, and knowing caused the violation of the Clean Air Act by beginning demolition and renovation activity that would break up, dislodge, and similarly disturb regulated asbestos containing material at a facility before the regulated asbestos containing material was removed from the facility, or aided and abetted another person in committing this offense:

Guilty _____

Not Guilty ✓

If you answered "Guilty," proceed to Question 2. If you answered "Not Guilty," you cannot find Defendant guilty on Counts 2, 3, or 4. In that event, answer "Not Guilty" to Questions 2, 3, and 4, then sign and date this form and return to the courtroom.

- 2) As to Count 2, we, the jury, unanimously find that from on or about January 23, 2015, through on or about February 18, 2015, M & J Excavation, Inc. knowingly violated, and knowing caused the violation of the Clean Air Act by failing to adequately wet during demolition and renovation activity that alters a facility and one and more facility components in any way, all regulated asbestos containing material exposed during cutting and disjoining operations of facility components that contain, are covered with, and coated with regulated asbestos containing material, or aided and abetted another person in committing this offense:

Guilty _____

Not Guilty ✓

Continue to question 3.

- 3) As to Count 3, we, the jury, unanimously find that from on or about January 23, 2015, through on or about February 18, 2015, M & J Excavation, Inc. knowingly violated, and knowing caused the violation of the Clean Air Act by failing to adequately wet regulated asbestos-containing material and ensure that it remained wet until collected, contained and treated in preparation for disposal, or aided and abetted another person in committing this offense:

Guilty _____

Not Guilty ✓

Continue to question 4.


- 4) As to Count 4, we, the jury, unanimously find that from on or about January 23, 2015, through on or about February 18, 2015, M & J Excavation, Inc. knowingly violated, and knowing caused the violation of the Clean Air Act by stripping, removing and otherwise handling and disturbing regulated asbestos containing material at a regulated facility without having at least one on-site, present representative, such as a foreman or management-level person or other authorized representative, who was trained in the provisions of NESHAP, or aided and abetted another person in committing this offense:

Guilty _____

Not Guilty ✓

Sign and date this form and return to the courtroom.

SO SAY WE ALL, this 22 day of June, 2021.


Foreperson

22 JPW